

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 74-15542

NAME AND ADDRESS: UNITED STATES OF AMERICA
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE, ID 83709-1657

SOURCE: MC DEVITT SPRING TRIBUTARY: MC DEVITT CREEK

QUANTITY: 0.02 CFS

The quantity of water under this right shall not exceed 13,000
gallons per day.

PRIORITY DATE: 04/17/1926

THIS WATER RIGHT IS DECREED BASED ON FEDERAL LAW WITH AN
APRIL 17, 1926, DATE OF PRIORITY PURSUANT TO AN EXECUTIVE ORDER
SIGNED THE SAME DATE AND KNOWN AS PUBLIC WATER RESERVE 107.

POINT OF DIVERSION: T19N R23E S19 SESWSE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE: Stockwater Within Lemhi County
T19N R23E S19 SWSE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

RECORDATION

NOV 28 2007

RECEIVED

NOV 30 2007

DEPARTMENT OF
WATER RESOURCES

2007 NOV 28 PM 3: 37

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	Subcases 74-15461, et al.
	)	(see list of 21 subcases attached)
Case No. 39576	)	(USDI / BLM)
	)	
_____	)	SPECIAL MASTER REPORT

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report, Reporting Area 23, IDWR Basin 74* on January 23, 2006. The Director recommended the above 21 claims to the United States of America, Department of Interior, Bureau of Land Management, Idaho State Office, 1387 S. Vinnell Way, Boise, Idaho, 83709-1657, for .02 cfs from various springs for year-'round stockwater use in Lemhi County with a priority date of June 28, 1934, based on beneficial use. The Director added the following language under priority date:

4 / 17 / 1926 Claimed under federal reserved water right.
This water right is also claimed based on federal law with an April 17, 1926, date of priority pursuant to an Executive Order signed the same date and known as Public Water Reserve 107.

On June 28, 2006, the United States filed *Objections* to quantity. On September 4, 2007, the United States, with IDWR's concurrence, filed *Standard Forms 5* agreeing to eliminate combined use remarks.

On November 15, 2007, an I.C. § 42-1411A evidentiary hearing was held by telephone and the United States offered the *Affidavit of Fredric W. Price*. R. Lee Leininger appeared for the United States, along with Mr. Price, and Chris M. Bromley appeared for IDWR.

In his *Affidavit*, Mr. Price, a water rights specialist in the BLM state office, stated: the federal law basis of the claims is Executive Order, dated April 17, 1926, and known as Public Water Reserve 107; the claims are located on unreserved federal public domain as of April 17, 1926; the lands currently remain under U.S. Department of Interior administration; the claimed water sources were confirmed by field investigation; there is sufficient surface water at the claimed sites for consumptive use by livestock; and the sources are springs or waterholes located at the claimed points of diversion and places of use described in the *SF-5*'s. In addition, Mr. Price added a further lot description to the point of diversion and place of use for claim 74-15461.

Conclusions of Law

The United States is entitled to partial decrees adjudicating federal reserved water rights with a priority date of April 17, 1926, as described in the *SF-5*'s, Mr. Price's *Affidavit* and the attached *Special Master Recommendations for Partial Decrees for Federal Reserved Water Rights*.

DATED November 28, 2007.



TERRENCE A. DOLAN

Special Master
Snake River Basin Adjudication

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TWIN FALLS CO., IDAHO
FILED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 74-15461
(SEE ATTACHED EXHIBIT A)

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on November 28, 2007, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

CERTIFICATE OF MAILING

PAGE 1
11/28/07

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

UNITED STATES OF AMERICA
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE, ID 83709-1657
Phone: 208-373-4000


ROBBIN HALL
Deputy Clerk

Exhibit A

Subcase Nos:

74-15461
74-15462
74-15464
74-15470
74-15473
74-15489
74-15490
74-15506
74-15507
74-15508
74-15509
74-15510
74-15511
74-15512
74-15513
74-15539
74-15540
74-15542
74-15544
74-15649
74-15650

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In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

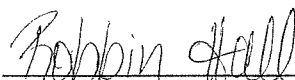
Water Right(s): 74-15461
(SEE ATTACHED EXHIBIT A)

On November 28, 2007, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED November 28, 2007.



ROBBIN HALL
Deputy Clerk

Exhibit A

Subcase Nos:

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